

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P8331PCT	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/DE2004/002427	International filing date (<i>day/month/year</i>) 03.11.2004	Priority date (<i>day/month/year</i>) 03.11.2003
International Patent Classification (IPC) or national classification and IPC E04G11/48		
Applicant PERI GMBH		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>3</u> sheets, as follows: <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-15 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-6 _____ received by this Authority on 05.08.2005 with telefax
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/6-6/6 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1.	Statement		
	Novelty (N)	Claims <u>1-6</u>	YES
		Claims <u></u>	NO
	Inventive step (IS)	Claims <u>1-6</u>	YES
		Claims <u></u>	NO
	Industrial applicability (IA)	Claims <u>1-6</u>	YES
		Claims <u></u>	NO
2.	Citations and explanations (Rule 70.7)		
1	Reference is made to the following documents:		
	D1: EP 0 092 694 A		
	D2: US 4 467 993 A		
	D3: GB 2 099 902 A.		
2.	Document D1 is considered the prior art closest to the subject matter of claim 1. It discloses (the references between parentheses relate to document D1) a lowering device (see figures 14 and 15) of a support structure 137,		
i.	consisting of at least one panel 134, on a first side of which a locking mechanism which can be moved into two positions (see slot 149 and wedge 151) is arranged, and to a second side of which a support structure 137 can be attached (see page 14, lines 14-20),		
ii.	which in a first position of the locking mechanism is raised relative to the securely fixed panel 134, and in a second position of the locking mechanism is lowered by gravity relative to the		

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>securely fixed panel (see page 14, lines 22-31),</p> <p>iii. wherein the support structure 137 engages the locking mechanisms by means of bolts 138 (see figure 14), and</p> <p>iv. the bolts 138 can be slid relative to the panel 134 from a first position to a second position and vice versa (see figure 14).</p> <p>3. The subject matter of claim 1 therefore differs from the known lowering device in that</p> <p>v. the locking mechanism is made of a first and a second detent part,</p> <p>vi. the detent parts at least partly grasp one of the bolts at its first, free end,</p> <p>vii. wherein the bolts extend through an elongated hole in the panel, which makes it possible to slide the bolts relative to the panel, and</p> <p>viii. the bolts can be fixed to the support structure in the area of their second, free end.</p> <p>Consequently, the subject matter of claim 1 is novel (PCT Article 33(2)).</p> <p>4. In the case of the lowering device known from document D1, the support structure is lowered by removal of the wedges 151 (see figures 14 and 15, and page 14, lines 22-31). When the structure is loaded it can be difficult to remove the wedges. The problem to be solved by the present invention</p>

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	<p>is therefore understood to be that of creating a lowering device of the above kind, which is easy to operate.</p> <p>5. A lowering device having the feature of claim 1 is known from document D2 (see D2, figure 6). However, the features vi.-viii. are not known from or suggested by the available prior art. In particular, these features ensure that the structure can be lowered safely. The solution to this problem, as proposed in claim 1 of the present application, therefore involves an inventive step (PCT Article 33(3)). Claims 2-6 are dependent on claim 1 and therefore likewise meet the PCT requirements for novelty and inventive step.</p>